

Superseded 5/12/2015

78A-6-1404 Hearing on the petition to restore parental rights.

- (1) At the hearing on the petition described in Section 78A-6-1403, if the former parent consents and if the court finds by clear and convincing evidence that it is in the best interest of the child, the court may:
 - (a) allow contact between the former parent and child, and describe the conditions under which contact may take place;
 - (b) order that the child be placed with the former parent in a temporary custody and guardianship relationship, to be reevaluated six months from the day on which the child is placed; or
 - (c) restore the parental rights of the parent.
- (2) The court may restore the parent-child legal relationship for a child who is younger than 12 years of age if:
 - (a) the petitioner:
 - (i) is a sibling of the child;
 - (ii) meets the requirements of Subsection 78A-6-1403(1); and
 - (iii) includes the child who is younger than 12 years of age in the petition described in Section 78A-6-1403;
 - (b) the child who is younger than 12 years of age meets the requirements of Subsections 78A-6-1403(1)(b) and (c);
 - (c) considering the age and maturity of the child, the child consents to the restoration;
 - (d) the former parent consents to the restoration; and
 - (e) the court finds by clear and convincing evidence that restoration is in the best interest of the child who is younger than 12 years of age.
- (3) In determining whether reunification is appropriate and in the best interest of the child, the court shall consider:
 - (a) whether the former parent has been sufficiently rehabilitated from the behavior that resulted in the termination of the parent-child relationship;
 - (b) extended family support for the former parent; and
 - (c) other material changes of circumstances, if any, that may have occurred that warrant the granting of the motion.
- (4) If the court orders the child to be placed in the physical custody of the former parent under Subsection (1), the court shall specify in the order:
 - (a) whether that custody is subject to:
 - (i) continued evaluation by the court; or
 - (ii) the supervision of the division; and
 - (b) the terms and conditions of reunification.